

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, July 16, 2014 – 2:30 p.m. – Room 250 State Capitol

**Members Present:**

Sen. Evan J. Vickers, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. Allen M. Christensen  
Sen. Brian E. Shiozawa  
Sen. Todd Weiler  
Rep. Rebecca Chavez-Houck  
Rep. LaVar Christensen  
Rep. Tim M. Cosgrove  
Rep. Brian M. Greene  
Rep. Michael S. Kennedy

Rep. Ronda Rudd Menlove  
Rep. Edward H. Redd

**Members Absent:**

Sen. Luz Robles  
Rep. Stewart Barlow

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Ms. Cathy J. Dupont, Associate General Counsel  
Ms. Lori Rammell, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Ray called the meeting to order at 2:45 p.m. Sen. Robles and Rep. Barlow were excused from the meeting.

**MOTION:** Rep. Menlove moved to approve the minutes of the June 18, 2014, meeting. The motion passed unanimously with Sen. Weiler, Rep. Christensen, Rep. Cosgrove, and Rep. Greene absent for the vote.

**2. Utah Digital Health Service Commission — Sunset Review**

Staff distributed "Sunset Review Guidelines," an excerpt of Utah Code Section 63I-1-103.

Sen. Shiozawa introduced the discussion of the Utah Digital Health Service Commission Act, scheduled for repeal July 1, 2015, and indicated that he wanted the committee to support reauthorization of the act. He then introduced Mr. Scott Barlow.

Mr. Scott Barlow, Chair, Utah Digital Health Service Commission, presented "Sunset Review of the Digital Health Service Commission," outlining the responsibilities of the commission and the adverse effects of allowing it to expire. Mr. Barlow distributed a copy of Utah Code Title 26, Chapter 9f, Utah Digital Health Service Commission Act, and a letter from the commission to Dr. David Patton, Executive Director of the Utah Department of Health.

Rep. Ray reviewed the guidelines outlined in Utah Code Section 63I-1-103 and explained the committee's responsibility to determine whether the statute should be reauthorized for up to 10 years, with or without amendment, or allowed to expire.

Dr. Wu Xu, Director, Center for Health Data Informatics, Utah Department of Health, said that Department of Health costs for the operation of the commission are minimal.

**3. Telehealth**

Rep. Menlove introduced the issue of telehealth and reviewed the implementation of 2014 General Session H.B. 92, "Utah Education and Telehealth Network Amendments," which combines the Utah Education

Network and the Utah Telehealth Network within a single organizational structure to create efficiencies and reduce costs. She also discussed current and future telehealth applications, including the accessibility and portability of an individual's own health records.

Mr. Ray Timothy, Executive Director, Utah Education and Telehealth Network, presented "Utah Education and Telehealth Network" and briefly explained issues related to the organizational transition to the new Utah Education and Telehealth Network, including governance, branding, staffing, finances, sustainability, growth, and contracting.

Ms. Deb LaMarche, Associate Director, Utah Telehealth Network, presented a short video featuring a young man from rural Utah who suffered a stroke but was able to consult a physician via the telestroke service and, as a result, was treated in time to ensure a complete recovery. She discussed additional telehealth services, including teleradiology and prison telemedicine. She explained that the barriers to telehealth are reimbursement, license portability, and provider adoption, and she identified the policy questions that need to be addressed by Utah Education and Telehealth Network, the Division of Occupational and Professional Licensing, the Legislature, and others. Ms. LaMarche responded to questions from the committee about the use of telehealth to treat mental and behavioral health issues.

Dr. Wesley Valdes, Medical Director for Telehealth Services at Intermountain Healthcare and Medical Director for Intermountain's Healthcare Transformation Lab, highlighted the disruptive competition provided to not-for-profit hospitals by new entrants in healthcare like Teladoc, which allows enrollees to talk to a doctor any time of the day within nine minutes, on average. He said that Intermountain is trying to create the infrastructure necessary to be competitive in an environment of disruptive innovation. He invited committee members to come to Intermountain's Healthcare Transformation Lab. Dr. Valdes also responded to questions from the committee.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, Department of Commerce, reported on a study recently conducted for the division on telehealth laws and regulations across the 50 states. The study was commissioned to help the division determine whether and how Utah's professional licensing regulations should be updated to address the use of telehealth. Mr. Steinagel said that there are probably provisions in the Utah Code that impede telehealth, such as the requirement for provider licensure if either the doctor *or* the patient is located in Utah. He said he thinks the committee will eventually need to discuss the adoption of an interstate compact on telehealth. And, he indicated that he believes the division could create standards to address the uniqueness of telehealth, although there is no consensus as to whether such standards should be adopted.

Ms. LaMarche indicated that she supports the adoption of telehealth licensing standards and commended the Division of Occupational and Professional Licensing for its study of telehealth issues.

**MOTION:** Sen. Shiozawa moved that the committee's staff draft legislation to extend the sunset date for Utah Code Title 26, Chapter 9f, Utah Digital Health Service Commission Act, to July 1, 2025. The motion passed unanimously. Sen. Christensen and Rep. Greene were absent for the vote.

Mr. Michael Hales, Deputy Director, Utah Department of Health, presented and discussed "Utah Medicaid and Telehealth." He reported on the process the department will use for determining how to spend \$1 million appropriated by the Legislature during the 2014 General Session for expanding the use of telehealth by Medicaid.

Mr. Mark Brinton, General Counsel and Director of Government Affairs, Utah Medical Association, distributed a packet of information containing the Utah Medical Association's policies and perspectives

regarding telehealth. He said that reimbursement, technology, standards, scope of practice, and establishment of the patient-physician relationship all need to be addressed.

Dr. Nan Klein, Director of Professional Affairs, Utah Psychological Association Board, said that Utah is one of few states regulating remote therapy. She said that the American Psychological Association adopted guidelines July 31, 2013, for the use of telehealth, and that she would make them available to the committee. She said there is a vast need for the interstate practice of psychology and spoke of efforts to facilitate the recognition and portability of licensure across states. She emphasized the importance of the Utah Psychological Association reviewing any new standards proposed to regulate telepsychology in Utah.

#### **4. Adjourn**

**MOTION:** Rep. Redd moved to adjourn the meeting. The motion passed unanimously. Sen. Christensen, Sen. Vickers, Sen. Shiozawa, and Rep. Kennedy were absent for the vote.

Chair Ray adjourned the meeting at 5:06 p.m.